

H.B. 1703 (Bivins) Relating to the contracting authority of the Midland County Hospital District. (28-0) (28-0)

H.C.R. 23 (Sims) Authorizing the burial of Ronald G. Jackson in the State Cemetery. (vv) (vv)

H.C.R. 101 (Harris of Dallas on behalf of Haley) Authorizing the lieutenant governor and speaker of the house of representatives to create by mutual agreement such joint committees as they consider necessary during the term of this legislature. (vv) (vv)

**BILLS AND RESOLUTION REMOVED FROM
LOCAL AND UNCONTESTED BILLS CALENDAR**

<u>Number</u>	<u>Senators Removing</u>
S.B. 1315	Harris of Tarrant, Haley
H.B. 1335	Harris of Tarrant, Haley
S.C.R. 72	Wentworth, Madla

**CONCLUSION OF SESSION FOR
LOCAL AND UNCONTESTED BILLS CALENDAR**

The Presiding Officer announced that the session for consideration of the Local and Uncontested Bills Calendar was concluded.

CONGRATULATORY RESOLUTION

S.R. 814 - By Barrientos, Armbrister: Commending the organizers of the "San Marcos, A Texas Natural!" program for the contributions they are making to the continued economic prosperity of this state.

ADJOURNMENT

On motion of Senator Harris of Dallas, the Senate at 12:00 noon adjourned until 11:00 a.m. Monday, May 3, 1993.

**FIFTY-EIGHTH DAY
(Monday, May 3, 1993)**

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

A quorum was announced present.

The Reverend John R. Pitts, Rector, St. Matthew's Episcopal Church, Austin, offered the invocation as follows:

Heavenly Father, we thank You for this beautiful day and the blessings You bestow upon each of us. We thank You also for living in a country where voters are able to express their desires for the workings of this state. I now ask that You be with this body as it continues its deliberations on school finance and other matters. Guide them with Your hand and grant them courage to follow Your will. All this we ask through Your son Jesus Christ. Amen.

On motion of Senator Harris of Dallas and by unanimous consent, the reading of the Journal of the proceedings of Friday, April 30, 1993, was dispensed with and the Journal was approved.

CO-AUTHOR OF SENATE BILL 359

On motion of Senator Rosson and by unanimous consent, Senator Patterson will be shown as Co-author of S.B. 359.

CO-AUTHOR OF SENATE BILL 572

On motion of Senator Harris of Dallas and by unanimous consent, Senator Harris of Tarrant will be shown as Co-author of S.B. 572.

CO-AUTHOR OF SENATE BILL 1310

On motion of Senator Harris of Dallas and by unanimous consent, Senator Nelson will be shown as Co-author of S.B. 1310.

CO-AUTHOR OF SENATE BILL 1385

On motion of Senator Harris of Dallas and by unanimous consent, Senator Harris of Tarrant will be shown as Co-author of S.B. 1385.

CO-AUTHOR OF SENATE BILL 1409

On motion of Senator Parker and by unanimous consent, Senator Lucio will be shown as Co-author of S.B. 1409.

CO-AUTHOR OF SENATE BILL 1410

On motion of Senator Parker and by unanimous consent, Senator Lucio will be shown as Co-author of S.B. 1410.

MESSAGE FROM THE HOUSE

House Chamber
May 3, 1993

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 21, Relating to the sheriff's petty cash fund.

S.B. 27, Relating to cancellation of wine and beer retailer permits and retail dealer on-premise licenses. (As substituted)

S.B. 154, Relating to the construction, reconstruction, and maintenance of improvements by certain mass transit authorities. (As amended)

S.B. 175, Relating to the authority of the Commission on Jail Standards to regulate the temporary housing of county inmates in certain facilities to alleviate overcrowding in county jails. (As substituted)

S.B. 201, Relating to contractual agreements between the Texas Higher Education Coordinating Board and Texas Chiropractic College. (As substituted)

S.B. 248, Relating to the adoption of a nonsubstantive revision of statutes relating to areas of government that affect or involve both state and local entities, including the operation of government and governmental bodies, public officers and employees, and fiscal affairs and including conforming amendments, repeals, and penalties. (As amended)

S.B. 376, Relating to use of osteopathic hospitals by health maintenance and preferred provider organizations.

S.B. 407, Relating to the rehabilitation of individuals with disabilities and the administration of the Texas Rehabilitation Commission.

S.B. 465, Relating to the composition, powers, duties, and change of the name of the Interagency Council for Services for the Homeless.

S.B. 505, Relating to the regulation of property development and development plats by a zoned or unzoned municipality with a population of more than 1.5 million.

S.B. 506, Relating to the creation of multiple panels of, and to the operation of, a municipality's zoning board of adjustment. (As substituted and amended)

S.B. 508, Relating to county purchase of road construction material.

S.B. 513, Relating to regional organizations to promote the coexistence of air quality improvement and economic development in nonattainment areas of the state.

S.B. 596, Relating to the requirement that the chief justice deliver a state of the judiciary message to the legislature.

S.B. 654, Relating to college board advanced placement tests and courses and to establishing the Texas Advanced Placement Incentive Program. (As amended)

S.B. 664, Relating to certain fishing apparatus anchored in the Trinity River near the Livingston Dam.

S.B. 777, Relating to statutory construction. (As amended)

S.B. 792, Relating to recording abstracts of judgment.

S.B. 982, Relating to the authority of the Texas Department of Human Services to assess monetary penalties against a home or community care provider.

S.B. 997, Relating to personal business days for school district employees.

S.B. 1075, Relating to payment of fees for registration or licensing.
(As amended)

H.B. 165, Relating to increasing the maximum size of an urban homestead to 10 acres.

H.B. 202, Relating to the creation of offenses intended to limit access by children to certain firearms and to firearms safety education for schoolchildren.

H.B. 245, Relating to the transfer of homestead property in certain small estates.

H.B. 327, Relating to notice requirements for certain permits issued by the Texas Water Commission or its successor.

H.B. 357, Relating to the records of the conviction or adjudication of a minor.

H.B. 455, Relating to the application of the professional prosecutors law to the district attorney of the 235th Judicial District.

H.B. 515, Relating to a review of child development training agreements.

H.B. 637, Relating to criminal background checks for certain providers of treatment to sex offenders.

H.B. 687, Relating to the disposal of certain records by commissioners courts.

H.B. 709, Relating to storage fees charged by a vehicle storage facility.

H.B. 986, Relating to staffing and funding of the Texas School for the Deaf.

H.B. 1016, Relating to the date for filing ad valorem tax rendition statements and property reports.

H.B. 1019, Relating to exemptions from compulsory school attendance requirements.

H.B. 1052, Relating to the obtaining of criminal conviction record information by the Texas Rehabilitation Commission.

H.B. 1056, Relating to the creation of county jail industries programs and the use of county jail inmates for public works, public improvements, and public maintenance projects.

H.B. 1088, Relating to allowing certain retired commissioned officers of the Department of Public Safety to carry a handgun.

H.B. 1107, Relating to the designation of a resident agent for acceptance of service of process in guardianship proceedings as qualification for the appointment of nonresident persons as guardians of resident wards.

H.B. 1138, Relating to the term of office of a municipal judge.

H.B. 1206, Relating to anatomical gifts.

H.B. 1252, Relating to district court bailiffs in Midland County.

H.B. 1269, Relating to the powers of the Texas Water Development Board and the executive administrator of the board.

H.B. 1307, Relating to the establishment of and the areas subject to city water pollution control programs and ordinances.

H.B. 1312, Relating to governmental authority and voter rights in the extraterritorial jurisdiction of certain municipalities.

H.B. 1462, Relating to the disclosure of certain information about certain patients of a physician.

H.B. 1483, Relating to the regulation of women's service centers; providing civil and criminal penalties.

H.B. 1500, Relating to the authority of the Texas School for the Deaf to obtain criminal history record information on certain employees and applicants for employment.

H.B. 1501, Relating to the use of in-house counsel to provide legal services for the Texas School for the Deaf and the Texas School for the Blind and Visually Impaired.

H.B. 1502, Relating to distribution of child passenger safety seat systems by the Texas Department of Health.

H.B. 1503, Relating to reimbursement of children committed to the Texas Youth Commission for lost or damaged personal property.

H.B. 1568, Relating to an exemption from certain requirements regarding prepaid legal services contracts.

H.B. 1590, Relating to registration of interstate or foreign motor carriers for-hire.

H.B. 1595, Relating to the use of the unclaimed money fund for economic development by counties.

H.B. 1622, Relating to the linked deposit program to encourage commercial lending for certain agricultural purposes.

H.B. 1656, Relating to enhanced pavement marking visibility at certain railroad grade crossings.

H.B. 1657, Relating to the dismantling of a warning signal at a railroad crossing.

H.B. 1674, Relating to the participation of appraisal districts in emergency communications programs.

H.B. 1679, Relating to arbitration of seed performance disputes.

H.B. 1712, Relating to the regulation of certain animal control officers; providing a penalty.

H.B. 1735, Relating to the appraisal of certain property for ad valorem tax purposes.

H.B. 1808, Relating to an exemption for certain persons and organizations under the Private Investigators and Private Security Agencies Act.

H.B. 1818, Relating to the operation and management of the Canyon Regional Water Authority.

H.B. 1824, Relating to the operation of rural fire prevention districts and emergency services districts and to the conversion of a rural fire prevention district to an emergency services district.

H.B. 1852, Relating to the control of outdoor advertising signs; providing penalties.

H.B. 1876, Relating to cancellation of judgments and judgment liens after bankruptcy discharge.

H.B. 1877, Repealing the provisions of the Water Code that authorize a watermaster program.

H.B. 1895, Relating to escrow accounts for the prepayment of fees required for permits authorizing the transportation of a vehicle and its load or a combination of vehicles and load exceeding legal size and weight limitations.

H.B. 1897, Relating to the authority of the publisher of the session laws to sell copies of the session laws to the public.

H.B. 1898, Relating to the printing of corrections to the published general and special laws.

H.B. 1918, Relating to disclosure of certain information by the State Commission on Judicial Conduct.

H.B. 1937, Relating to municipal utility district board and landowner dispute resolution.

H.B. 1938, Relating to the creation of the Petroleum Storage Tank Advisory Committee.

H.B. 1949, Relating to the adoption of municipal boundaries and annexation of area.

H.B. 1950, Relating to the regulation of diversion of water.

H.B. 1967, Relating to the authority of a county to hold a nonbinding referendum on matters affecting county property.

H.B. 1972, Relating to the approval and certification of certain health organizations by the Texas State Board of Medical Examiners.

H.B. 1987, Relating to powers and duties of certain personal representatives.

H.B. 2004, Relating to insurance premium discounts for qualifying properties.

H.B. 2016, Relating to the regulation of the storage of hazardous liquids in salt dome storage facilities; providing civil and criminal penalties.

H.B. 2042, Relating to a state agency's modification of its findings or decision in a contested case while the case is on appeal to the courts.

H.B. 2052, Relating to licensing for the sale and purchase of mussels and clams; providing penalties.

H.B. 2103, Relating to economic development within the state, renewal of industrial development agreements, and municipal annexation.

H.B. 2111, Relating to the disposition of funds in inmate trust fund accounts.

H.B. 2125, Relating to the lease or transfer of property owned by a political subdivision to certain private for-profit and nonprofit organizations.

H.B. 2153, Relating to the use of funds in the smart jobs fund.

H.B. 2177, Relating to the directors of the Gulf Coast Water Authority.

H.B. 2318, Relating to the Texas Low-Level Radioactive Waste Disposal Authority.

H.B. 2427, Relating to the powers and duties of the State Preservation Board.

H.B. 2492, Relating to election of directors and validation of acts of the governing board of the Real-Edwards Conservation and Reclamation District.

H.B. 2506, Relating to the offense of and punishment for barratry and to certain solicitations regarding professional employment.

H.B. 2509, Relating to the operation of a park district in a county with a frontage on the Guadalupe and Comal rivers.

H.B. 2511, Relating to administrative hearings and appeals.

H.B. 2517, Relating to grant applications to the Smart Jobs Program Fund.

H.B. 2590, Relating to leave for peace officers for purposes of pursuing an education.

H.B. 2620, Relating to regional assessment of water quality by watershed or river basin.

H.B. 2677, Relating to the requirement of water utilities to obtain a certificate of convenience and necessity.

H.B. 2612, Relating to the membership of the Coastal Coordination Council.

H.B. 2705, Relating to the salvage and disposition of oil and gas well-site or other facility equipment of hydrocarbons upon state fund plugging or cleanup.

H.B. 2752, Relating to authorizing the issuance of tuition revenue bonds for the University of Houston-Downtown.

H.B. 2766, Relating to an audit of the proceeds of criminal asset forfeitures.

H.B. 2797, Relating to the contracting for, and establishment and continuance of, certain retirement program for the benefit of employees of municipal hospital authorities.

H.B. 2800, Relating to the powers and duties of certain regional transportation authorities.

H.B. 2827, Relating to El Paso County Juvenile Board and to El Paso Family District Court.

H.B. 2828, Relating to the creation, administration, powers, duties, operation, and financing of the Beach Road Municipal Utility District.

H.B. 2829, Relating to authorizing the Elkins Lake Municipal Utility District to transfer money from the district's municipal utility district operating fund to the district's road utility district operating fund.

H.B. 2830, Relating to authorizing the Travis County Water Control and Improvement District No. 17 to exclude certain territory.

H.B. 2831, Relating to the jurisdiction of the statutory county court in Panola County.

H.B. 2833, Relating to a change of location of a racetrack and the conversion of a reinstated racetrack license to a perpetual license.

H.B. 2842, Relating to the creation, administration, powers, duties, operation, and financing of Montgomery County Municipal Utility District No. 87, of Montgomery County, Texas.

H.B. 2849, Relating to the use of certain probate court fees in Dallas County.

H.B. 2856, Relating to the creation of the County Criminal Court at Law No. 15 of Harris County, Texas.

H.C.R. 13, Designating Labor Day, September 6, 1993, as "Help Yourself, Buy American Day" in Texas.

H.C.R. 55, Declaring the week of May 3-7, 1993, as "Paraprofessional and School-Related Personnel Appreciation Week in Texas."

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

(Senator West in Chair)

PERMISSION TO INTRODUCE BILLS

On motion of Senator Harris of Dallas and by unanimous consent, Article III, Section 5 of the Texas Constitution and Senate Rule 7.07(b) were suspended to permit the introduction of the following bills:

S.B. 1458	S.B. 1462
S.B. 1459	S.B. 1463
S.B. 1460	S.B. 1464
S.B. 1461	S.B. 1465

GUEST PRESENTED

The Presiding Officer introduced to the Senate the Governor of Abia State, Nigeria, His Excellency Dr. Ogbonnaya Onu.

The Senate welcomed its distinguished guest.

HOUSE RESOLUTION ON FIRST READING

The following resolution received from the House was read first time and referred to the committee indicated:

H.C.R. 123 to Committee on Administration.

SENATE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution were introduced, read first time, and referred to the committees indicated:

S.C.R. 82 by Harris of Dallas	Jurisprudence
Encouraging state regulatory agencies to continue to develop systems and policies and to adopt initiatives consistent with the Administrative Procedures and Texas Register Act.	

S.B. 1458 by Moncrief, Carriker	Health and Human Services
Relating to the regulation of licensed psychological specialists and to the creation of the Texas State Board of Examiners of Licensed Psychological Specialists; providing a penalty.	

S.B. 1459 by Carriker	State Affairs
Relating to unpaid leave for state employees for job-related education or service with a state employee organization.	

S.B. 1460 by Carriker	Natural Resources
Relating to the farm and ranch finance program; granting the authority to issue bonds; providing penalties.	

S.B. 1461 by Harris of Tarrant	Jurisprudence
Relating to a spouse's access to information concerning the community property held by the other spouse.	

S.B. 1462 by Sims	State Affairs
Relating to the regulation of geologists and geophysicists; providing a civil and criminal penalty.	

S.B. 1463 by Lucio	State Affairs
Relating to discrimination by certain athletic clubs; providing criminal penalties.	

S.B. 1464 by Henderson	Intergovernmental Relations
Relating to the regulation by home-rule municipalities of streets, avenues, alleys, and boulevards on which certain residences are located.	

S.B. 1465 by Lucio State Affairs
Relating to the loading of certain vehicles carrying unprocessed grain on public highways.

BILLS AND RESOLUTIONS SIGNED

The Presiding Officer announced the signing of the following enrolled bills and resolutions in the presence of the Senate after the captions had been read:

S.B. 63	H.B. 63
S.B. 815	H.B. 334
S.C.R. 61	H.C.R. 49
S.C.R. 75	

CAPITOL PHYSICIAN

The Presiding Officer recognized Senator Shelley, who presented Dr. P. J. Mock, Jr., of La Porte as the "Doctor for the Day."

Dr. Mock, participating in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, was made welcome by the Senate.

GUEST PRESENTED

Senator Zaffirini was recognized and introduced to the Senate her sister Celita Borchers.

The Senate welcomed Ms. Borchers.

(President in Chair)

PERSONAL PRIVILEGE STATEMENT

Senator Parker addressed the Senate as follows:

Mr. President, I have spent a significant portion of my political career caring about the schoolchildren of Texas because I believe therein lies the future of Texas. I believe that whatever great philosopher said it, said it as well as it could be said: that the measure of a society is how they care for their young.

When I look at a budget that we are facing that has given a 30-some-odd percent increase to prisons and an effective cut in education, I become disheartened. When I saw the results of the election the other evening, I again became disheartened. Although I do not believe it was a great solution, part of it I was not in love with at all, I believe it was the least noxious thing that we could have done that was politically viable.

The purpose of my rising today is to urge us all to accept responsibility for not having carried the message to our constituents of what and how great the needs really are for us to address equity and excellence in education.

A few years ago I spent a long time as a Member of the Constitutional Convention. A few of you were a part of that body and we spent months, and months and months, the better part of a year, developing a new constitution. We presented it to the public and it was truly a thoughtful

work, and it was far superior to what we have. It was overwhelmingly, about three to one, rejected by the people and in doing the postmortem on it, and looking and talking to people throughout the state, it became clearer and clearer to me that the error we had made was in publicizing what was in the new constitution. People, voting citizens of this state, probably knew more about the proposed constitution than they had known about any basic document of government in the history of this state. Where we failed was in not explaining to them what was in the old one. I mean that is a fact. People rose up and defeated these propositions because they did not like what we were about to do that was new and we are going to hear postmortems all this week—the people want better education, the people want teachers to work harder, the people want the Legislature to think of something that does not disrupt my school district, the people this, the people that.

I think there are two segments of this political process that have failed. I think we have failed in our duty to convey and educate and inform and enlighten our constituents. I think the media, that I believe to be as painful as they are sometimes, I believe that the media is an integral part of the democratic process, and I believe they have failed. We together have failed to inform the people of this state, and we have failed the children of this state.

Case in point: this morning in the Austin American-Statesman is an editorial, the lead editorial, with which I do not disagree, as far as it goes. It is an editorial comment that is on target and what it says is that we, the Legislature, should get about addressing the real needs of education and quit dilly-dallying around and quit playing political games and be courageous, like Sam Houston. The thought occurred to me, as I was reading it, that Sam Houston ultimately quit over probably the toughest political decision he ever had to make—that is, staying in the Union. But the problem with that editorial is that it spoke in general terms. The average citizen reading that editorial will not glean from it one bit of a sense of direction about where this state ought to go. It vaguely mentioned that we did not have the courage to find the money. Well, if they mean we ought to pass a tax bill, they ought to say in plain English—get out there and pass a tax bill and have the state fund education more than local governments are called on to fund it and get about excellence in education and start helping build public sentiment for that option.

The point, if I have one, of this speech, other than just to vent some frustration, and to express, I think for a lot of us, serious concern about the future of this state and where we are headed, is to urge all of us and the media and the fellow citizens in this state to make a concentrated effort, beginning today, to find a way to give equitable and decent educational opportunities to everybody. We have got to get about today, informing people more than simply saying we have to do it because the court said to, of why what we have is not acceptable.

We lead the nation in all the wrong categories: school drop-outs, teenage pregnancies, low-economic status for too many of our citizens, poor health care for too many of our citizens. In the rate of building new prison beds we are the world's champ. We will soon be putting more

people per capita in prison than any civilized country in the world, let alone any state in the world. You have got to tie some of that to the shortcomings of our education system. It is hard to look 50 years down the road, or even 10 years down the road, when we face an election next time and an irate citizenry that does not want us to raise their taxes or make changes they do not particularly like. But our grandchildren will not build enough prisons; they will not be able to afford enough prisons if we do not do something now. One-third or better of our children in this state today are in schools where they do not have libraries, in schools where they cannot teach all the basic courses required by the state, or in buildings in some cases that are not only inadequate but dangerous, as our own facilities study has told us. That is unacceptable. The status quo is unacceptable.

That is why I become so angry with those who would say, simply remove the court from it and go with the federal standard. Well, keep in mind the federal standard was the standard that was used in the first Edgewood suit with Rodriguez in the 1970s and the court said—it has a state rationale; it is not a federal right; we cannot interfere. To say go with the federal standard, to use that standard to keep the courts out of reviewing legislative action, is to say that the status quo is okay, and it is not. It is not.

One of the reasons I firmly believe, after the years I have wrestled with this problem, that we cannot come to a consensus is that if your school district is doing well, why should you travel to Austin to ask the Legislature to do more. It is easy to brag about one's school district when you are spending 10, 11, or 12 thousand dollars per pupil, your test scores are great, you have every laboratory you could want, you could have all the nice facilities you would ever want, the football team is doing well, and you are at peace with the world for education. What will happen, I hope, if we can ever get to equity where everyone has to make do with approximately the same amount, then those people who have the most influence, I believe, in the scheme of things, that happen to live in those prosperous communities, will then realize that it is truly like the sailboat race where we are all in the same kind of boat, with the same amount of sail, and the only thing that separates winners from losers is the dedication and skill of those operating the boat and the teamwork therein. When they realize that we in Texas are in dinghies trying to keep up with other states and other nations in America's Cup-class yachts, there will be more unity of spirit growing out of our various communities coming to Austin saying—let us come together and do what we need to do, whatever it takes to make this state competitive, to give every child in this state the opportunity to be whatever he or she can be or should be.

It is only then, when we have accomplished that, making those hard choices in this session or the special to follow, that we could leave here and look our fellow citizens in the eye, and look our children in the eye, and our grandchildren, and say we did a good job while we were in that office the people entrusted us with. If we cannot do that, if we cannot make those hard choices even at the risk of losing these precious seats,

then we ought to resign now because we are not honoring the commitment we made or honoring the oath we took.

PARKER

**COMMITTEE SUBSTITUTE
SENATE BILL 86 ON SECOND READING**

On motion of Senator Moncrief and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 86, Relating to the licensing of hospitals by the Texas Department of Health including the provision and appropriation of fees and the assessment of civil penalties and administrative penalties.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 86 ON THIRD READING**

Senator Moncrief moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 86** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

**SENATE CONCURRENT RESOLUTION 5
ON SECOND READING**

On motion of Senator Leedom and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading:

S.C.R. 5, Requesting the Criminal Justice Policy Council to investigate the desirability of contracting with one or more foreign governments for the placement of prisoners from the institutional division of the Texas Department of Criminal Justice for confinement within the jurisdiction of that government.

The resolution was read second time and was adopted by a viva voce vote.

RECORD OF VOTE

Senator Rosson asked to be recorded as voting "Nay" on the adoption of the resolution.

SENATE BILL 868 ON SECOND READING

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 868, Relating to the term of office of municipal judges.

The bill was read second time.

Senator Montford offered the following committee amendment to the bill:

Committee Amendment

Amend S.B. 868 by deleting SECTION 2 of the bill and replacing it with the following:

SECTION 2. Section 1 of this Act amending Section 29.005, Government Code, takes effect on the date on which the constitutional amendment proposed by S.J.R. 36, 73rd Legislature, Regular Session, 1993, takes effect.

The committee amendment was read.

On motion of Senator Montford and by unanimous consent, the committee amendment was tabled by a viva voce vote.

Senator Montford offered the following amendment to the bill:

Floor Amendment

Amend S.B. 868 by striking Committee Amendment 1 on page 1, lines 16-21, and by striking existing Section 1 on page 1, lines 26-34 and substituting in lieu thereof the following:

SECTION 1. Amend Section 29.005, Government Code, to read as follows:

Sec. 29.005. Terms of Office. The judge of a municipal court serves for a term of office of two years unless the municipality provides for a longer term pursuant to Article XI, Section 11, of the Texas Constitution. A municipal court judge who is not reappointed by the 91st day following the expiration of a term of office shall, absent action by the appointing authority, continue to serve for another term of office beginning on the date the previous term of office expired.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Montford and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 868 ON THIRD READING

Senator Montford moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 868 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**SENATE CONCURRENT RESOLUTION 56
ON SECOND READING**

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading:

S.C.R. 56, Directing the Texas Department of Human Services to develop and implement an appropriate case-mix reimbursement system that adequately meets the needs of all subacute and cognitively impaired patients.

The resolution was read second time and was adopted by a viva voce vote.

RECORD OF VOTE

Senator Montford asked to be recorded as "Present-not voting" on the adoption of the resolution.

COMMITTEE SUBSTITUTE SENATE BILL 1119 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1119, Relating to the educational rights of students who are deaf and/or hard of hearing.

The bill was read second time and was passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 1119 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 1119** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE JOINT RESOLUTION 18 ON SECOND READING

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.J.R. 18, Proposing a constitutional amendment authorizing the legislature to prescribe the qualifications of sheriffs.

The resolution was read second time and was passed to engrossment by a viva voce vote.

SENATE JOINT RESOLUTION 18 ON THIRD READING

Senator Parker moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.J.R. 18** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The resolution was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 339 ON SECOND READING**

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 339, Relating to the qualifications of sheriffs.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 339 ON THIRD READING**

Senator Parker moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 339** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1029 ON THIRD READING**

On motion of Senator Armbrister and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its third reading and final passage:

C.S.S.B. 1029, Relating to the review and approval of certain permits by the state, a municipality, and other local governmental entities.

The bill was read third time.

Senator Armbrister offered the following amendment to the bill:

Floor Amendment No. 1

Amend **C.S.S.B. 1029** as follows:

(1) On page 1, amend SECTION 1, line 35 by inserting "or the effective date of this Act, whichever is later" after the word "approved".

(2) On page 1, amend SECTION 1, line 36 by inserting the word "contiguous" between the words "All" and "property"; by inserting the words "or affiliated" between the words "common" and "ownership"; and by striking the words "or control."

(3) On page 1, amend SECTION 2, lines 41 and 42 by striking the words "a political subdivision and the governing bodies or any boards or commissions thereof"

(4) On page 1, amend SECTION 2, line 44 by inserting the words "or governing body" between the words "agency" and "of"; inserting "in its capacity of processing, approving, or issuing permits" after the word "subdivision" and striking the remainder of line 44 and line 45.

(5) On page 1, insert new SECTION 3 to read as follows and renumber subsequent numbers accordingly:

"SECTION 3. Section 481.142, Government Code, is amended by adding Subdivision (5) to read as follows:

5. "Contiguous" means physically adjacent, but disregarding easements, rights-of-way, roads, stream beds and public or quasi-public land.

(6) On page 1, amend SECTION 3 of C.S.S.B. 1029, on line 51 by inserting the word "rules" between the words "ordinances" and "or"; on line 56, by inserting the word "rules" between the words "ordinances" and "or"; on line 58 by inserting the words "approval, disapproval or conditional approval" between the words "consideration" and "of"; and on page 2, lines 28 and 29, strike "unless such permits are less than two years old" and substitute "or local amendments to building, fire, electrical, plumbing or mechanical codes enacted to address imminent threats to health and safety."

By unanimous consent, the amendment was read and was adopted by a viva voce vote.

Senator Armbrister offered the following amendment to the bill:

Floor Amendment No. 2

Amend C.S.S.B. 1029 as follows:

Section 5. Subchapter I, Government Code, is amended by adding Section 481.144 to read as follows:

"Section 481.144 (a) In addition to all other provisions of this subchapter, this section shall apply to home rule municipalities which had limited purpose annexation authority on January 1, 1993, issued permits in a limited purpose annexed area, and which had previously disannexed limited purpose annexed territory.

(b) A home rule municipality described in Subsection (a) may enact by ordinance time limits in which all or part of a preliminary subdivision plan must apply for final plat approval in order to remain subject to the orders, regulations, ordinances, rules or other duly adopted requirements in effect at the time the preliminary plan was filed. For projects of 100 acres or less, the time limit for filing for final plat approval may not be less than two years from the date of approval of the preliminary plan or the date of the implementing ordinance, whichever is later. For projects over 100 acres, the time limit to apply for final plat approval may not be less than five years from the date of the approval of the preliminary plan or the date of the implementing ordinance, whichever is later, unless the project qualifies as a master planned development, in which case the time limit may not be less than ten years from the applicable date.

(c) For purposes of this section, a master planned development is a project that includes fifteen hundred (1500) or more contiguous acres under common or affiliated ownership for which one or more preliminary subdivision plans subject to a common development plan are filed, or for which a long range, mixed use land use plan is submitted and approved. To remain subject to the orders, regulations, ordinances, rules or other duly adopted requirements in effect at the time the preliminary plan was filed, a master planned development must agree, by plat note or plat amendment,

that the remainder of the project for which final plat applications have not been filed will meet the water quality standard in place under a municipal water quality ordinance applicable to that geographic area ten years after the preliminary plan was approved or the date of the implementing ordinance, whichever is later, and thereafter in five year increments until final plat applications for the entire project have been filed.

(d) The owner of land within a master planned development may appeal the application of the water quality standard under a municipal water quality ordinance to a court of competent jurisdiction or the Texas Water Commission or its successor pursuant to the Texas Water Code or applicable law if such owner contends that application of the water quality standard is invalid, arbitrary, unreasonable, inefficient or ineffective in its attempt to control water quality.

(e) Subject to the provisions of this subchapter, all existing and previously enacted ordinances and regulations of a home rule municipality described in Subsection (a) establishing expiration dates for preliminary subdivision plans and site plans are hereby validated and ratified, to the extent such expiration dates are not inconsistent with time periods set out in this subchapter.

(f) For a master planned development which was in continuous process before the effective date of this Act to qualify as a "project," the applicant must file a designation of the project as a master planned development with the municipality within 90 days after the passage of this Act. The designation shall be sufficient if it includes a written notice delivered to the mayor or the city manager of the municipality containing the following information: (1) intent to designate the project as a master planned development; (2) a legal description of the project and a general description of the master planned development; and (3) the date upon which the original application for the first permit for the project was filed. In order for a master planned development for which the original application for the first permit is filed after the effective date of this Act to qualify as a "project," the applicant must file a designation of the project as a master planned development with the municipality at the time of the initial filing.

(g) If a proposed change in municipal ordinances affecting approval, disapproval or conditional approval of a land development permit is posted as an agenda item for a meeting of the governing body or is the subject of an initiative duly certified as a ballot item, a project which is not otherwise covered by this subchapter shall become subject to the changes as of the date of posting or the date of certification of the ballot item, provided that (1) the proposed ordinance is adopted and becomes effective within thirty (30) days of the posting date in the case of a posting on the governing body agenda or within ninety (90) days of the date of certification for a ballot item or the next uniform election date and canvass of said election, whichever is earlier; and (2) the permit application has not otherwise been granted within the thirty (30) day or the ninety (90) day period.

(h) To the extent not inconsistent with this subchapter, all municipal

ordinances regulating permits for preliminary plans, final plats and site plans are hereby validated whether adopted by initiative, referendum or legislative action. All such ordinances and the procedures under which they were adopted are validated in all respects and are deemed to be in compliance with any and all applicable state laws including specifically the Texas Election Code, the Texas Water Code and the common law governing municipal elections and ballot initiatives."

By unanimous consent, the amendment was read and was adopted by a viva voce vote.

On motion of Senator Armbrister and by unanimous consent, the caption was again amended to conform to the body of the bill as amended.

The bill as amended was finally passed by the following vote: Yeas 28, Nays 3.

Yeas: Armbrister, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Turner, Wentworth, West, Whitmire.

Nays: Barrientos, Truan, Zaffirini.

SENATE BILL 1212 ON SECOND READING

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1212, Relating to an exemption from open meeting requirements for confidential matters of the Finance Commission of Texas and the State Banking Board.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 1212 ON THIRD READING

Senator Montford moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 1212** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE

SENATE BILL 1278 ON SECOND READING

On motion of Senator Truan and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1278, Relating to the licensing of lead abatement activities; providing penalties.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1278 ON THIRD READING**

Senator Truan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 1278 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

SENATE BILL 1374 ON SECOND READING

On motion of Senator Rosson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1374, Relating to the regionalization of utility services in El Paso County by providing for consolidation of certain water and wastewater service corporations and utility districts into a regional utility, and methods for planning, funding and operation of a regional utility.

The bill was read second time.

Senator Rosson offered the following amendment to the bill:

Amend **S.B. 1374** as follows:

In SECTION 5 (d), on page 6, line 70, after "with" and before "the" insert the words "Chapter 13, Texas Water Code and".

On page 7, lines 20 through 22, strike the current Subsection (a)(1) and substitute the following:

(1) A majority vote of the membership of a district operating as a water supply corporation or a majority vote on the board of directors of an investor owner utility;.

In SECTION 6 (a)(3), on page 7, line 32, after "district," and before "followed", insert the words "other than a water supply corporation,".

In SECTION 6 (c), on page 7, line 58, after "Code" and before "and" insert the words "as amended, or the Texas Non-profit Corporation Act,".

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Rosson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 1374 ON THIRD READING

Senator Rosson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 1374** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 229 ON SECOND READING**

On motion of Senator Rosson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 229, Relating to the administration of a statewide plan for child support by the attorney general's office.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 229 ON THIRD READING**

Senator Rosson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 229** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1197 ON SECOND READING**

On motion of Senator Armbrister and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1197, Relating to the exemption of certain substances from Schedules I-V of the Texas Controlled Substances Act.

The bill was read second time and was passed to engrossment by a viva voce vote.

(Senator Haley in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 1197 ON THIRD READING**

Senator Armbrister moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 1197** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 751 ON SECOND READING**

On motion of Senator Armbrister and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 751, Relating to the benefits and expenses of the state and state officers and employees.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 751 ON THIRD READING**

Senator Armbrister moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 751 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

SENATE BILL 252 ON SECOND READING

On motion of Senator Moncrief and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 252, Relating to continuity of care programs for offenders in the criminal justice system who are mentally impaired, elderly, physically disabled, terminally ill, or significantly ill.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 252 ON THIRD READING

Senator Moncrief moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 252 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

SENATE BILL 968 ON SECOND READING

On motion of Senator Sims and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 968, Relating to the creation, re-creation, administration, powers and duties, validation, and dissolution of rural rail transportation districts.

The bill was read second time.

Senator Sims offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend S.B. 968 in SECTION 1, Sec. 5(e), by inserting "subject to a grant previously secured or with the consent of any municipality, county or other political subdivision" between "for those purposes" and "may use streets", to read as follows:

(e) A district may plan, acquire, construct, complete, develop, own, operate, and maintain rail facilities inside or outside the district, and for those purposes subject to a grant previously secured or with the consent

~~of any municipality, county or other political subdivision may use streets, alleys, roads, highways, and other public ways of any municipality, county, or other political subdivision and may relocate, raise, reroute, change the grade of, or alter, at the expense of the district, the construction of any street, alley, highway, road, railroad, electric lines and facilities, telegraph and telephone properties and facilities, pipelines and facilities, conduits and facilities, and other properties, whether publicly or privately owned, as necessary or useful in the construction, reconstruction, repair, maintenance, and operation of rail facilities. A district may acquire by purchase, whenever it considers the purchase expedient, any land, property rights, right-of-way, franchises, easements, and other interests in land as it considers necessary for the acquisition, construction, or operation of any rail facility on such terms and at such price as agreed to between the district and the owner and may take title in the name of the district. The governing body of every municipality, county, other political subdivision, or public agency is authorized without any form of advertisement to make conveyance of title or rights and easements to any property needed by the district to effect its purposes in connection with the acquisition, construction, or operation of rail facilities [acquire, construct, own, operate, and maintain a system within its boundaries, both inside and outside the limits of incorporated cities, towns, and villages, and has the right to use the streets, alleys, roads, highways, and other public ways and to relocate, raise, lower, reroute, regulate, change the grade of, and alter the construction of any street, alley, highway, or road, any gas transmission or distribution pipes, pipelines, mains, or other facility or property; any water, sanitary sewer, or storm sewer pipes, pipelines, or other facility or property; any electric lines, telegraph or telephone facility or property; any cable television lines, cables, conduits and facilities, or other property whether publicly or privately owned, in the construction, reconstruction, repair, maintenance, or operation of the system. A district shall pay the cost of any change made under this subsection and is liable for any damage to property occurring because of the change].~~

The committee amendment was read and was adopted by a viva voce vote.

Senator Sims offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend S.B. 968 in SECTION 1, Sec. 5(n), by striking "system" as it appears twice in the first sentence and substituting "rail facilities", to read as follows.

~~(n)(1)~~ A district may lease the rail facilities ~~[system]~~ or any part to, or contract for the use or operation of the rail facilities ~~[system]~~ or any part by, any operator.

The committee amendment was read and was adopted by a viva voce vote.

Senator Sims offered the following committee amendment to the bill:

Committee Amendment No. 3

Amend S.B. 968 in SECTION 1, Sec. 5(n), in the last sentence, by deleting "a lease or" and substituting "an", amending it to read as follows:

~~(n)(4)~~ A district may lease the rail facilities or any part to, or contract for the use or operation of the rail facilities or any part by, any operator. A district shall encourage to the maximum extent practicable the participation of private enterprise in the operation of the system. The term of ~~a lease or~~ an operating contract under this subsection may not exceed 20 years.

The committee amendment was read and was adopted by a viva voce vote.

Senator Sims offered the following amendment to the bill:

Floor Amendment No. 1

Amend S.B. 968 by deleting the words "the system" on line 13 of page 12 and line 20 of page 14 and inserting in their place the words "rail facilities".

The amendment was read and was adopted by a viva voce vote.

Senator Sims offered the following amendment to the bill:

Floor Amendment No. 2

Amend S.B. 968, Sec. 5(f), on page 11 to read as follows:

(f) A district has the right of eminent domain to acquire lands in fee simple and any interest less than fee simple in, on, under, or above lands, including, without limitation, easements, rights of way, rights of use of airspace or subsurface space. The right may not be exercised in a manner that would unduly interfere with interstate commerce ~~[or unduly impair the neighborhood character of property surrounding or adjacent to the property sought to be condemned]~~. Eminent domain proceedings brought by a district are governed by Title 52, Revised ~~[Civil]~~ Statutes ~~[of Texas, 1925]~~, except as it is inconsistent with this Act. Proceedings for the exercise of the power of eminent domain are commenced by the adoption by the board of a resolution declaring the public necessity for the acquisition by the district of the property or interest described in the resolution, and that the acquisition is necessary and proper for the construction, extension, improvement, or development of the system and is in the public interest. The resolution of the district is conclusive evidence of the public necessity of the proposed acquisition and that the real or personal property or interest in property is necessary for public use.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Sims and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 968 ON THIRD READING

Senator Sims moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 968 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 642 ON SECOND READING**

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 642, Relating to the consolidation of job training, employment, and unemployment insurance programs and the development of an integrated state and local delivery system serving all Texans.

The bill was read second time.

Senator Haley offered the following amendment to the bill:

Amend C.S.S.B. 642 as follows:

On page 39, line 13, between "STAFFING" and "A", add "(a)".

On page 39, between lines 21 and 22, insert the following paragraph:

(b) The requirement for separate staffing does not preclude the local board from designating a qualified organization to provide staff services to the board provided that the local board arranges for independent evaluation of any other workforce services provided by the staffing organization and requests and obtains a waiver of the separate staffing requirement from the Council of Workforce Competitiveness. The request for such a waiver must contain a detailed justification based on such factors as cost effectiveness, prior experience, geographic and/or budgetary considerations, and availability of qualified applicants.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Ellis and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 642 ON THIRD READING**

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 642 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

RECORD OF VOTE

Senator Haley asked to be recorded as voting "Nay" on the final passage of the bill.

**COMMITTEE SUBSTITUTE
SENATE BILL 1341 ON SECOND READING**

On motion of Senator Harris of Tarrant and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1341, Relating to the duties of the superintendent of a school district.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1341 ON THIRD READING**

Senator Harris of Tarrant moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 1341** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1388 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1388, Relating to the student exchange program established by the Texas Higher Education Coordinating Board.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 1388 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 1388** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
HOUSE BILL 781 ON SECOND READING**

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 781, Relating to the inspection of certain electronic products under the Texas Radiation Control Act.

The bill was read second time.

Senator Madla offered the following amendment to the bill:

Amend **C.S.H.B. 781** as follows:

(1) On page 1, line 27, immediately before the word "dental" insert "podiatric medical".

(2) On page 1, line 30, immediately before the word "dental" insert "podiatric medical".

(3) On page 1, line 31, immediately before the word "dental" insert "podiatric medical".

(4) On page 1, line 34, immediately before the word "dental" insert "podiatric medical".

(5) On page 1, line 37, immediately after the word "products" insert "the Texas State Board of Podiatry Examiners for the inspection of podiatric medical electronic products".

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Ellis and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading by a viva voce vote.

COMMITTEE SUBSTITUTE HOUSE BILL 781 ON THIRD READING

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.H.B. 781** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 811 ON SECOND READING

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 811, Relating to annexation by general-law municipalities.

The bill was read second time.

Senator Lucio offered the following committee amendment to the bill:

Amend **H.B. 811** as follows:

On page 1, line 14, strike the words "or other entity"

The committee amendment was read and was adopted by a viva voce vote.

On motion of Senator Lucio and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading by a viva voce vote.

HOUSE BILL 811 ON THIRD READING

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **H.B. 811** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

HOUSE BILL 824 ON SECOND READING

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 824, Relating to the sale or exchange of land by a home-rule municipality.

The bill was read second time.

Senator Ellis offered the following amendment to the bill:

Amend **H.B. 824** as follows:

On page 1, line 15 add after "municipality" and before ",", the following:

"with a population of 1.5 million or more"

The amendment was read.

On motion of Senator Ellis and by unanimous consent, the amendment was withdrawn.

The bill was passed to third reading by a viva voce vote.

HOUSE BILL 824 ON THIRD READING

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **H.B. 824** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 1335 ON SECOND READING

On motion of Senator Harris of Tarrant and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1335, Relating to the use of the advance interest trust fund to fund certain programs administered by the Texas Employment Commission.

The bill was read second time.

Senator Harris of Tarrant offered the following amendment to the bill:

Amend H.B. 1335 as follows:

(1) In SECTION 1, in the third sentence of amended Subsection (a) of Section 9c, Texas Unemployment Compensation Act, after "investment of the fund" and before "to the Unemployment", insert "and such other funds as may be appropriated".

(2) Add a new SECTION 2 to read as follows:

SECTION 2. Money in the Advance Interest Trust Fund may also be used to fund start-up expenses, to award grants, and for such other purposes as may be authorized under S.B. 130, Acts of the 73rd Legislature, Regular Session, 1993. Funds used for this purpose are subject to legislative appropriation and are only available for use during the period beginning September 1, 1993, and ending August 31, 1995. All funds so used for this purpose are to be repaid to the Advance Interest Trust Fund (Fund 935). The comptroller shall transfer such amount from the smart jobs holding fund or the smart jobs fund to the Advance Interest Trust Fund (Fund 935) by September 30, 1995, and this section shall expire on that date.

(3) Renumber current SECTION 2 as SECTION 3.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Harris of Tarrant and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading by a viva voce vote.

HOUSE BILL 1335 ON THIRD READING

Senator Harris of Tarrant moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H.B. 1335 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 1581 ON SECOND READING

On motion of Senator Armbrister and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1581, Relating to certain employment of disability retirees of the Teacher Retirement System of Texas.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 1581 ON THIRD READING

Senator Armbrister moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H.B. 1581 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 2799 ON SECOND READING

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 2799, Relating to public retirement systems for employees of certain municipalities.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 2799 ON THIRD READING

Senator Barrientos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **H.B. 2799** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

PERMISSION TO INTRODUCE BILL

On motion of Senator Harris of Dallas and by unanimous consent, Article III, Section 5 of the Texas Constitution and Senate Rule 7.07(b) were suspended to permit the introduction of the following bill:

S.B. 1466

HOUSE BILL 273 REREFERRED

On motion of Senator Harris of Dallas and by unanimous consent, **H.B. 273** was withdrawn from the Committee on Economic Development and was rereferred to the Committee on Jurisprudence.

SENATE RULE 11.19 SUSPENDED (Posting Rule)

On motion of Senator Harris of Dallas and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on State Affairs might consider **S.B. 1408** today.

SENATE BILL ON FIRST READING

By unanimous consent, the following bill was introduced, read first time, and referred to the committee indicated:

S.B. 1466 by Henderson, Armbrister Finance
Relating to appraisal districts, appraisal review boards, property tax appraisal rolls, property tax collections, and property tax appeals.

SENATE RULE 11.19 SUSPENDED (Posting Rule)

On motion of Senator Sims and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Natural Resources might consider the following bills today:

S.B. 1019

S.B. 1030

S.B. 1345

MEMORIAL RESOLUTIONS

S.R. 829 - By Turner: In memory of J. B. Woods of Huntsville.

S.R. 830 - By Turner: In memory of Raymond Leo Senasac of Waller County.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.C.R. 81 - By Zaffirini: Commemorating the month of May 1993 as Older Americans' Month in recognition of the many contributions senior citizens have made and continue to make within our society.

S.R. 815 - By Ellis, West: Welcoming Dr. Okwesilieze Nwodo, the Executive Governor of Enugu State of Nigeria, who is visiting our state.

S.R. 818 - By Shapiro: Congratulating Plano East Senior High School academic decathlon team on winning the 1993 national academic decathlon championship.

S.R. 819 - By Turner: Recognizing James Fathauer of Brenham and Washington County, who is retiring from the Brenham Fire Department after more than 35 years of service as a fireman.

S.R. 820 - By Turner: Congratulating Lewis and Mary Gregory of Palestine on the occasion of their 50th wedding anniversary.

S.R. 821 - By Turner: Recognizing Leonard Addicks for his 10 years of service with the City of Brenham and his nine years of service as the Brenham City Manager.

S.R. 822 - By Turner: Congratulating Carol Mueller of Giddings, who was named Optimist of the Year.

S.R. 823 - By Turner: Recognizing Arthur Behrend, who was honored with the highest grade award for peanuts by the Lee County Peanut Company.

S.R. 824 - By Turner: Recognizing Assistant City Secretary Mary Jones of Mexia, who is retiring after 17 years of city service.

S.R. 825 - By Turner: Congratulating Centerville's Emergency Medical Service personnel for winning the Community Service Award from the Greater Centerville Area Chamber of Commerce.

S.R. 826 - By Turner: Recognizing Weldon Watkins for his 33 years of service with the Bryan Fire Department.

S.R. 827 - By Turner: Recognizing Anna Lee Gresham for earning the Pioneer Award of 1993, which was given by the Greater Centerville Area Chamber of Commerce.

ADJOURNMENT

On motion of Senator Harris of Dallas, the Senate at 1:05 p.m. adjourned, in memory of Coke Harrison Criss, until 11:00 a.m. tomorrow.

APPENDIX

REPORTS OF STANDING COMMITTEES

The following committee reports were received by the Secretary of the Senate:

May 3, 1993

HEALTH AND HUMAN SERVICES — S.B. 1433, C.S.S.B. 589, C.S.S.B. 674, C.S.S.B. 673

NATURAL RESOURCES — C.S.H.B. 608, H.B. 1146, H.B. 1021, H.B. 383, H.B. 315, S.B. 1372, S.B. 1384, C.S.S.B. 1218

FINANCE — S.B. 1397

NATURAL RESOURCES — H.B. 2105

HEALTH AND HUMAN SERVICES — C.S.S.B. 1434, C.S.S.B. 1427

FINANCE — H.B. 36, H.B. 895, C.S.H.B. 71, S.B. 1441, S.B. 906, S.B. 1332, S.B. 1378, S.B. 1295, C.S.S.B. 1026, C.S.S.B. 843, C.S.S.B. 1430, C.S.S.B. 778, C.S.S.B. 865

STATE AFFAIRS — H.B. 629, H.B. 478, S.B. 793, C.S.S.B. 1002

NATURAL RESOURCES — H.B. 461, S.B. 1019, C.S.S.B. 1453

HEALTH AND HUMAN SERVICES — C.S.S.B. 1425, C.S.S.B. 1426

SENT TO GOVERNOR

(May 3, 1993)

S.C.R. 61

S.C.R. 75

S.C.R. 76

S.B. 63

S.B. 360

S.B. 428

S.B. 815

**In Memory
of
Coke Harrison Criss**

Senator Bivins offered the following resolution:

(Senate Resolution 817)

WHEREAS, Coke Harrison Criss was born October 22, 1992, in Austin, Texas, to David and Ronda Criss; and

WHEREAS, Coke Harrison Criss was named in honor of Coke Stevenson so that the same integrity, perseverance, and honor that formed the foundation of the life of the former Texas governor would serve as model for this beloved son; and

WHEREAS, Although Coke Harrison Criss struggled with multiple health problems throughout the months following his birth, he showed his parents, family, and friends that his will to live was great and almost without bounds; and

WHEREAS, During his short life, Coke Harrison Criss demonstrated that he, indeed, did possess the same rare strength of character and tenacity that his namesake exhibited numerous times during his many years of public service to Texas; and

WHEREAS, Governor Coke Stevenson showed he knew how to live with honor and Coke Harrison Criss showed he knew how to die with honor; and

WHEREAS, The lives of both of these Texans serve as an example to us all as we face hardship and difficulty; and

WHEREAS, We stand here today not to mourn the loss of Coke Harrison Criss but to draw inspiration from his determination and make known to all that his family and friends will never forget him and will continue to love him all the days of their lives; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 73rd Legislature, hereby celebrate the life of Coke Harrison Criss and recognize him for his courage and example; and, be it further

RESOLVED, That a copy of this Resolution be prepared for David and Ronda Criss as an expression of the heartfelt sentiment of the Texas Senate.

The resolution was read.

On motion of Senator Armbrister and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Bivins and by unanimous consent, the resolution was adopted by a rising vote of the Senate.